

### **REMARKS / ARGUMENTS**

Claims 27-41 and 43-44 are pending in this application. Of these, claims 27-37 were withdrawn. Claim 38 is independent.

Claims 38-39 and 44 were rejected as being anticipated by Lau et al (U.S. Patent No. 5,344,426). Claim 40 was rejected as being unpatentable over Lau et al. in view of Forgarty et al (U.S. Patent No. 6,110,198). Claim 41 was rejected as being unpatentable over Lau et al. in view of Summers et al (U.S. Patent No. 5,772,668). Claim 43 was rejected as being unpatentable over Lau et al. in view of Hull (U.S. Patent No. 5,192,297).

#### **Discussion**

Amended independent claim 38 is allowable over Lau since Lau does not disclose or suggest a sheath with "the sheath being folded over itself at a distal end of the sheath, the sheath being pulled back and being everted when exposing the cover." In the Office Action it was asserted that claim 38 was not clear as to the orientation of proximal and distal. Claim 38 has been amended to clarify that distal is at the far end of the device since the expandable element being is "at the distal end of the delivery catheter" which defines the far end of the catheter as the distal end and toward the far end as the distal direction. As such, Applicant submits that claim 38 clearly distinguishes over Lau for the reasons previously argued, namely, that Lau does not disclose or suggest a sheath folded over itself at a distal end of the sheath as claimed.

Dependent claims 39-41, 43 and 44 are allowable since they depend from allowable independent claim 38 and because they recite independently patentable features.

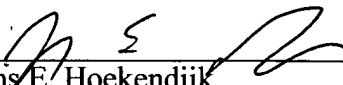
**CONCLUSION**

Applicant submits that all claims are in condition for allowance and an action to that end is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 415-412-3322.

Respectfully submitted,

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Date

  
Jens E. Hoekendijk  
Reg. No. 37,149

Jens E. Hoekendijk  
P.O. Box 4787  
Burlingame, CA 94011-4787  
Tel.: 415-412-3322